IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 3601 of 2007

Date of Decision : 09.03.2007

Kusum Rani and another ... Petitioners

Versus

State of Punjab and others. .. Respondents

CORAM : HON'BLE MR. JUSTICE J.S. KHEHAR,
HON'BLE MR. JUSTICE S.D. ANAND.

Present : Mr. U.K. Agnihotri, Advocate,
for the petitioners.

J.S. Khehar, J. (Oral)

Through the instant writ petition, the petitioners have impugned the order dated 19.12.2003 by which the petitioners were denied appointment on compassionate grounds. The claim of the petitioners are, that petitioner No.2 was eligible for appointment on compassionate grounds under the Notification dated 10.05.1990 (Annexure P-9). In this behalf, learned counsel for the petitioners, has specifically relied on the Grant of Financial Assistance to Victims of Riot Rules, 1985. Reliance has been placed on the following clause of the aforesaid rules as amended through the notification dated 10.05.1990 for seeking appointment on compassionate grounds:-

> "3. (v) Widows who lost their bread-winners due to extremist / Terrorist activities / action of security forces acting in aid of Civil power;"

The only issue that has to be examined is, whether the petitioner's husband died on account of an action at the hands of the

extremists / terrorists / security forces. The answer to the aforesaid query obviously has to be in the negative on account of the decision rendered by the trial Court in Sessions case No. 32 dated 13.06.1997, in which three accused were sentenced. The order of sentence dated 22.05.2000 has been placed on the record of this case. Relevant extract thereof is reproduced hereunder:-

> "I have heard the convicts, on the quantum of sentence. They prayed for leniency. The convicts have not only committed robbery, but also caused the ghastly murder of Vijay Kumar by causing 29 injuries on the person of the deceased and thereby resulting in making three daughters and minor son and widow as orphans."

It is, therefore, apparent that the death of the husband of the petitioner No.1 was occasioned at the hands of robbers and not at the hands of the extremists/terrorists/security forces. There is no material placed on the record of this case, by the petitioners, to establish, that the death of the petitioner's husband was at the hands of extremists/terrorists/security forces.

In view of the above, we are satisfied that the petitioners have not been able to make out a case for appointment on compassionate grounds under the amended rules notified on 10.05.1990 (Annexure P/9).

Dismissed.

(J.S. Khehar)
Judge

March 09, 2007 (S.D. Anand)
vkd Judge